



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Lan Bo Chen et al.

Art Unit : 1631

Serial No. : 10/062,197

Examiner : Mahnatan Channing

Filed : February 1, 2002

Title : RARE EVENT DETECTION SYSTEM

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

DECLARATION OF LAN BO CHEN UNDER 37 C.F.R. § 1.132

As a below-named inventor(s), I hereby declare that:

I, Lan Bo Chen, declare:

1. I am a co-inventor of the subject matter described and claimed in the above-captioned patent application.

2. I am also a co-author of an article titled "Detection and analysis of cancer cells in blood and bone marrow using a rare event imaging system" and published in Clin. Cancer Res., vol. 6, pages 434-442, 2000. The article is cited against the above-captioned patent application by the Examiner in the office action dated July 26, 2004.

3. The other co-authors of the just-mentioned article are Stine-Kathrein Kraeft, Rebecca Sutherland, Laura Gravelin, Guan-Hong Hu, Louis H. Ferland, Paul Richardson, and Anthony Elias. Stine-Kathrein Kraeft is a co-inventor named in the present patent application. The remaining co-authors of the article were working under the direction of at least one of the co-inventors named in the present application and did not make any inventive contributions to the subject matter described and claimed in the patent application. Consequently, while Rebecca Sutherland, Laura Gravelin, Guan-Hong Hu, Louis H. Ferland, Paul Richardson, and Anthony

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Attorney's Docket No.: 00530-097001 / 731.02

Elias are named as co-authors of the article, they are not named as co-inventors in this application.

4. Daniel Auslair, one of the three co-inventors named in the present application, was not named as a co-author of the article, even though he did make inventive contributions to the subject matter described in the article and was therefore named as a co-inventor in this application. The omission was made solely because Daniel Auclair did not perform the specific experiments described in the article.

5. The article describes the three co-inventors' own work.

6. All statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Date:

10/26/04

A handwritten signature of Lan Bo Chen in black ink.

Lan Bo Chen, Ph.D.